

## REMARKS

Claims 32-39 have been canceled. Claims 1-31 and 40-47 are still pending in the application.

In the office action mailed on December 23, 2004, the examiner stated that Figures 1 and 2 should be designated by a legend such as “Prior Art” because “only that which is old is illustrated.” The applicant respectfully disagrees. Although these figures may, on the surface, appear to be comprised only of elements that are known, these figures are used to explain the *invention* and how it operates, not prior art. The *internal workings* of some of the elements shown in these figures are inventive and are explained in subsequent portions of the specification and in subsequent figures. For example, memory 120 contains digital images that are manipulated in accordance with the claimed user interface (see, e.g., the discussion of Fig. 3A beginning at the bottom of page 5 of the specification). As a further example, input controls 200 shown in Fig. 2 are used in an inventive manner in conjunction with the claimed user interface (see, e.g., Fig. 7, in which input controls 200 are an integral part of the method). Furthermore, one of ordinary skill in the art would clearly realize that the recited “control logic” in several of the claims (see the Summary of the Invention) could be implemented as firmware or software instructions stored in memory 120 and executed by controller 105. For these reasons, it would be inappropriate to label Figures 1 and 2 as “Prior Art.”

The examiner also objected to the drawings (Fig. 3B) as failing to include a reference sign for “primary set 320.” In examining Fig. 3B, the applicant discovered that some markings (“A” and “C,” as well as reference numeral 320) described in the specification had inadvertently been omitted from this figure. A replacement sheet for Figs. 3A and 3B has been included in this response to correct this oversight.

The examiner also objected to the title of the application as not being descriptive. If the examiner would like to suggest an alternative title, the applicant will certainly consider it. As it is, the title closely matches the preamble of claim 1. There is no requirement that the applicant attempt to summarize all the elements of even the broadest claim in the title of a patent application. “Image Browsing User Interface Apparatus and Method” is an accurate

and sufficient description of what is claimed and is not in any way vague or misleading to a reader.

The examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Dow *et al.* (EP Pub. No. EP 0 978 987 A2). Dow discloses a user interface that is similar, in some respects, to the claimed invention, but it does not teach the key concept of a “preferred image” as recited in claim 1 and as supported by the specification. Instead, Dow implies that the *first* image in a group of images will always appear on the display when a user selects a group of images, forcing the user to scroll manually to the desired (preferred) image within the group. This is precisely the kind of prior-art user interface that the invention is intended to replace. Though one could, as a bit of a stretch, regard the first image in the group as being a “preferred image,” the user interface in Dow lacks the key limitation that the “preferred image” is designated by a *user* (i.e., the user may, in the instant application, designate *any arbitrary image* in the group as the “preferred image”). This is clearly explained in the first paragraph of the Detailed Description. Accordingly, the applicant has amended claim 1 to include the words “user-designated” to modify “preferred image” to distinguish claim 1 from Dow. The applicant believes currently amended claim 1 to be allowable because Dow does not teach all of the limitations recited in currently amended claim 1. Claims 2-4 have been amended to render them consistent with currently amended claim 1. Since claims 2-7 depend from allowable claim 1, they too are allowable.

The foregoing arguments in connection with claim 1 are equally applicable to claim 8, which the examiner rejected on the same ground. The applicant believes claim 8, as amended, to be allowable. Claims 9-11 have been amended to render them consistent with currently amended claim 8. Since claims 9-14 depend from allowable claim 8, they too are allowable.

The foregoing arguments in connection with claim 1 are also equally applicable to claim 15, which the examiner rejected on the same ground. The applicant believes claim 15, as amended, to be allowable. Claim 16 has been amended to render it consistent with currently amended claim 15. Since claims 16-22 depend from allowable claim 15, they too are allowable.

The examiner rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Dow *et al.* in view of Anderson (U.S. Patent No. 6,249,316). As has already been shown above, Dow does not teach the limitation that the preferred image in a group of images is *user-designated*. Accordingly, claim 23 has been amended to include this limitation. Anderson teaches a method of marking images to effectively reorder them, but the claimed invention does not involve reordering the images within a group of images 310. In fact, one advantage of the claimed invention is that such reordering, to designate a “preferred image,” is *not* required. The applicant believes currently amended claim 23 to be allowable. Claims 24-27 have been amended to render them consistent with currently amended claim 23. Since claims 24-31 depend from allowable claim 23, they too are allowable.

The examiner rejected claim 40 under 35 U.S.C. § 103(a) as being unpatentable over Dow *et al.* in view of Anderson and further in view of Kowaoka *et al.* (U.S. Patent No. 6,801,251). Claim 40 recites that the *most recently selected* (viewed) image belonging to the second set (i.e., a group of related images) automatically becomes designated as a preferred image (the image that will be viewed first when the user returns to the group of images). This limitation is not taught in any of the cited references. Anderson’s method involves manually marking images to reorder or otherwise manipulate them. Claim 40 does not involve any reordering of images, and the designation as the preferred image occurs automatically when the user views the image and then exits the applicable group of images. Furthermore, Dow does not teach “designating a preferred image” with its use of a “live arrow” as the examiner asserts. The “live arrow” icon and indicator (e.g., 1/13) simply indicate which image in a group of images is currently being viewed and whether the end of the group of images has been reached. It does not designate (assign) a status of “preferred image” to any image as recited in claim 40. Since claims 41-47 depend from allowable claim 40, they too are allowable.

This application is considered to be in condition for allowance, and reconsideration of the application is requested.

Respectfully submitted,

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